REMARKS

Claims 1, 2, 4-20, 31-38, and 41-51 are in this application. Claims 1, 6-20, 33-34, 37-38 and 47-51 have been amended and claims 3, 21-30, 39 and 40 have been cancelled.

Claims 1, 8-20, 47 and 48 have been amended to delete the =CH and NR^6 from the definition of Z. Applicants preserve all rights to file one or more divisional applications for this subject matter or any other subject matter disclosed in this application.

Paragraphs [000214], [000234], [000435] and the title of example 144 have been amended to correct the names of the compounds of examples 121 and 144. Support for these amendments are found in the structures of the compounds of examples 121 and 144. Corresponding amendments have been made in claim 6.

The Examiner has rejected claims 34, 37, 38 and 50-51 as lacking patentable utility. Applicants respectfully traverse this rejection.

Applicants submit that claims 34, 37, 38 and 50-51 as previously presented have patentable utility. The claims define a method for treating a bacterial infection by administering, for example, a compound of claim 1. This according to the USPTO Utility Guidelines is a credible utility ("For method claims that recite more than one utility, it at least one utility is credible, specific and substantial, a rejection under 35 USC 101 should not be made"). The utility of using the compounds of Formula I to treat a bacterial infection is a credible utility and is supported by the disclosure, *inter alia*, on pages 105 and 106 of the specification. However, to expedite prosecution, claims 34, 37 and 50-51 have been amended to include the phrase "an effective amount".

Therefore, it is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claims 1-2, 4-20, 31-38 and 41-52 under 35 USC 112, first paragraph as failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Examiner states that the terms "derivatives, analogs, tautomeric forms, polymorphs and solvates" are not described in the specification. These terms are standard terms in the chemical and pharmaceutical arts so that one skilled in the art would know what is meant by these terms. Solvates are described in paragraph [00089] of this application. Solvates may also be defined as a compound formed by solvation (the combination of solvent molecules with molcules or ions of the solute). The term "polymorphs" is not indefinite. Polymorphs have a specific stereochemistry and different crystal structures. The polymorpns display different physical properties. This is supported by table 3 Polymorphism in Pharmaceutical Solids, edited by Harry G. Brittain, Marcel Dekker, Inc. See also definition of the polymorphs from Solid-State Chemistry of Drugs 2nd Edition, SSCI, Inc.

Therefore, it is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claims 1-2, 4-20, 31-38 and 41-52 under 35 USC 112, first paragraph stating that "the specification, while enabling for the compounds of claim 1, does not reasonably provide enablement for the 'derivatives, analogs, tautomeric forms, polymorphs and solvates.'"

Applicants respectfully traverse this rejection.

As explained above the terms derivatives, analogs, tautomeric forms, polymorphs and solvates are known and understood by those of skill in the art.

Considering the In re Wands 8 USPQ2d 1400 (1988) factors, it is clear that the claims 1-2, 4-20, 31-38 and 41-52 are enabled.

1) The nature of the invention is compounds, compositions of the compounds, processes for making the compounds and the use of compound or composition to treat a bacterial infection.

2) The state of the prior art. The terms derivatives, analogs, tautomeric forms, polymorphs and solvates are known in the prior art. General methods for preparation of derivatives, analogs, tautomeric forms, polymorphs and solvates are described in the prior art.

3) The predictability or lack thereof in the art. There are general and specific methods described in the prior art that can be used to prepare derivatives, analogs, tautomers, polymorphs and solvates of compounds.

4) The amount of direction or guidance present. As stated above there are general and specific methods described in the prior art that can be used to prepare derivatives, analogs, tautomers, polymorphs and solvates of compounds. Given this knowledge and the disclosure in this application of compounds of formula I the guidance is present to prepare derivatives, analogs, tautomers, polymorphs and solvates of the compounds of formula I.

5) The presence or absence of working Examples. The application includes specific examples of how to prepare the compounds of formula I.

6) The breadth of the claims. The claims are not overly broad.

7) The quantity of experimentation needed. As explained above, methods to prepare derivatives, analogs, tautomers, polymorphs and solvates are known in the art. Therefore, the quantity of experimentation is not undue.

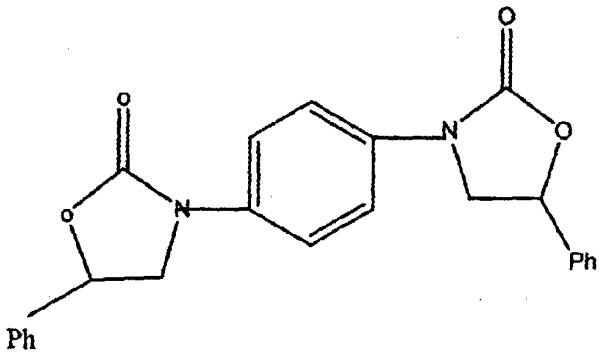
8) The level of skill in the art. A person of skill in the art of synthesis chemistry would be able to prepare derivatives, analogs, tautomers, polymorphs and solvates of compounds.

Considering all of these factors, it is clear that the claims are enabled.

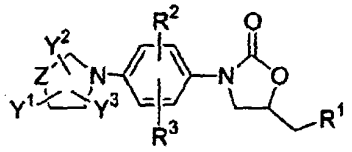
Therefore, it is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claims 1 and 2 under 35 USC 102(b) as being anticipated by Braun, et al. Applicants respectfully traverse this rejection.

Braun discloses a compound of the formula



This is a compound that has a substituent on the 5th position. The benzene ring is substituted by oxazolidin-2-one which is substituted by a phenyl at the 5th position. The compounds of claim 1 are of the structure



(I)

It is not possible to have phenyl as a substituent at the 5th position on the oxazolidin-2-one on the right hand side of the benzene ring in the claimed invention. The 5th position has a substituent CH_2R^1 which means there has to be a methylene group between the substituent and the oxazolidine ring. In addition, R^1 is defined as halo, azido, thioalcohol, isothiocyanate, OR^4, NHR^4 or

$N(R^4)_2$. Therefore, the compounds of claim 1 and claim 2 are not anticipated by Braun.

The Examiner has also rejected claims 1 and 2 as being anticipated by Sorokin. Applicants respectfully traverse this rejection.

The Sorokin reference has a hydroxyalkyl substitution on the right hand side of oxazolidine ring at the 4th position. The compounds of claims 1 and 2 have a substitution at the 5th position of the right hand side oxazolidinone. The compounds claimed in claims 1 and 2 are structurally different from the compound of Sorokin.

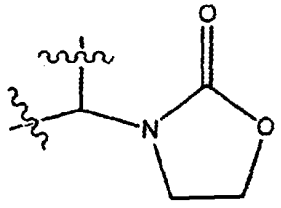
Therefore, it is respectfully requested that this rejection be withdrawn.

The Examiner has rejected claims 1 and 2 as being obvious over the disclosure of Braun and Sorokin in view of Werner. Applicants respectfully traverse this rejection.

The Examiner states that Braun et al. teach compounds that anticipate the claimed genus. As explained above, the compounds of Braun do not anticipate the compounds of claims 1 and 2. Braun does not suggest or disclose compounds of formula I.

As stated above Sorokin discloses compounds with a substituent at the 4th position of the right hand side oxazolidin-2-one. There is no disclosure or suggestion in Sorokin to prepare compounds with a substituent at the 5th position of the right hand side oxazolidin-2-one. The disclosure in Braun of a phenyl substituent on the 5th position of the oxazolidin-2-one does not suggest or make obvious any other substituent at the 5th position.

The compounds described in US patent 2,987,505 (Werner) are polymeric N-vinyl-2-oxazolidinones. The monomer unit of the compound in the '505 patent is



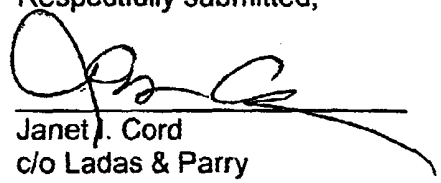
The compounds claimed in claims 1 and 2 have the general formula in which the two heterocycles are separated by a phenyl ring.

There is no combination of these references that disclose or suggest the invention of claims 1 and 2 and therefore, it is respectfully requested that this rejection be withdrawn.

In view of the amendment of the claims and the cancellation of claims it is respectfully requested that the objection to the claims be withdrawn.

Applicants submit that the present application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,



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